

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOSHUA RUPNOW, PETER SZOSTAK,
and all others similarly situated,**

Plaintiffs,

v.

E*TRADE SECURITIES, LLC,

Defendant.

Civil Action No. 1:19-cv-10942-DLC

CLASS ACTION

**ORDER AWARDING
ATTORNEYS' FEES AND LITIGATION EXPENSES**

This matter came on for hearing on October 6, 2023 (the “Final Approval Hearing”) on Lead Counsel’s motion for an award of attorneys’ fees and Litigation Expenses in the above- captioned securities class action (the “Action”). The Court having considered all matters submitted to it at the Final Approval Hearing and otherwise; and it appearing that notice of the Settlement advising Class members of the location, date and time of the Final Approval Hearing substantially in the form approved by the Court was emailed and/or mailed to all Settlement Class Members who or which could be identified with reasonable effort, as well as published by the Settlement Administrator on the website devoted to this proposed Settlement; and the Court having considered and determined the fairness and reasonableness of the attorneys’ fees, litigation expenses, requested incentive awards, and other Lead Plaintiff reimbursement requests;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement, dated April 21, 2023 (the “Settlement Agreement”), and all capitalized terms not otherwise defined in this Order shall have the same meaning as they have in the Stipulation.
2. The Court has jurisdiction to enter this Order and over the subject matter of the Action

and all Parties to the Action, including all Settlement Class Members.

3. Notice of Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses was given to all Settlement Class Members who or which could be identified with reasonable effort. The form and method of notifying the Settlement Class of the motion for an award of attorneys' fees and Litigation Expenses satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), and all other applicable law and rules; and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Class Counsel are hereby awarded attorneys' fees in the amount of 33 and 1/3% of the Net Settlement Fund (including interest earned at the same rate as the Settlement Fund), which sum the Court finds to be fair and reasonable. Lead Counsel is also hereby awarded \$79,312.56 in payment of litigation expenses to be paid from the Settlement Fund, which sum the Court finds to be fair and reasonable. Class Counsel shall allocate the attorneys' fees awarded amongst Plaintiff's Counsel in a manner which it, in good faith, believes reflects the contributions of such counsel to the institution, prosecution, and settlement of the Action.

5. In making this award of attorneys' fees and payment of litigation expenses to be paid from the Settlement Fund, the Court has considered and found that:

- (a) The Settlement has created a fund of \$1.4 million in cash that has been funded into escrow pursuant to the terms of the Stipulation, and that numerous Settlement Class Members who submit acceptable Claims will benefit from the Settlement that occurred because of the efforts of Plaintiff's Counsel;
- (b) Over 35,000 copies of the Notice were emailed/or mailed to potential Settlement Class Members stating that Lead Counsel would apply for an award of attorneys' fees in an amount not to exceed 33 and 1/3% of the Settlement

Fund and for payment of litigation expenses, and there was only one objections to the requested attorneys' fees and expenses, which objection is denied;

- (c) The Action raised a number of complex issues and involved substantial risks;
- (d) If Plaintiffs' Counsel had not achieved the Settlement there would remain a significant risk that Lead Plaintiffs and the other Settlement Class Members may have recovered significantly less, or nothing at all, from Defendant;
- (e) Plaintiffs' Counsel at all times litigated this Action on a fully contingent basis to achieve the Settlement; and
- (f) The amount of attorneys' fees awarded and expenses to be paid from the Settlement Fund are fair and reasonable and consistent with awards in similar cases with similar results.

6. The Court further finds that the above-stated award of litigation expenses (*supra* paragraph 4) to be paid from the Settlement Fund to Class Counsel is fair and reasonable, and that the litigation expenses are reasonable in amount, and were incurred for costs and expenses that were of a type customarily reimbursed in cases of this type.

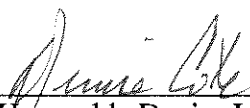
7. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and expense application, or any application for incentive awards or other awards, shall in no way disturb or affect the finality of the Judgment.

8. Exclusive jurisdiction is hereby retained over the Parties and the Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of the Stipulation and this Order.

9. There is no just reason for delay in the entry of this Order, and immediate entry by the

Clerk of the Court is expressly directed.

SO ORDERED this 6th day of October, 2023.



The Honorable Denise L. Cote
United States District Judge